IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

WP(C).No. 19638 of 2007(K)

PETITIONER:

DEVAKI AMMA MEMORIAL TRUST,
REPRESENTED BY ITS MANAGING TRUST,
SASTHRI NAGAR, KOZHIKODE-6.

BY ADV. SRI.KURIAN GEORGE KANNAMTHANAM (SR.)
SRI.TONY GEORGE KANNANTHANAM
SRI.JIJY THOMAS

RESPONDENTS:

1. **UNIVERSITY OF CALICUT, REPRESENTED BY ITS REGISTRAR, THENJIPALAM, MALAPPURAM DISTRICT.**
2. **VICE CHANCELLOR, UNIVERSITY OF CALICUT, THENJIPALAM, MALAPPURAM DISTRICT.**
3. **STATE OF KERALA, REPRESENTED BY PRINCIPAL SECRETARY, HIGHER EDUCATION DEPARTMENT, GOVT. SECRETARIAT, TRIVANDRUM.**
4. **THE NATIONAL COUNCIL FOR TEACHER, REPRESENTED BY ITS REGIONAL DIRECTOR, SOUTHERN REGIONAL COMMITTEE, C.S.D. BUILDING, H.M.T. P.O., BANGALORE-560 031.**

BY ADV. SRI. P.C. SASIDHARAN, SC for PSC for R1 & R2
SRI. V.M.KURIAN, SC for S R C – N C T E for R4
BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL for R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.19638/2007 K

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF ORDER DTD. 1/03/2005 OF HIGHER EDUCATION (B) DEPARTMENT.

EXT.P2: COPY OF COMMUNICATION DTD. 13/04/2005 ISSUED BY THE 1ST RESPONDENT.

EXT.P3: COPY OF ORDER DTD. 15/11/2006 ISSUED TO THE PETITIONER.

EXT.P4: COPY OF LETTER DTD. 16/11/2006 ISSUED FROM THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P5: COPY OF LETTER DTD. 20/12/2006 OF ...DO...DO....

EXT.P6: COPY OF JUDGMENT DTD. 18/01/2007 IN WP(C) NO.33627/06 OF THIS HON.COURT.

EXT.P7: COPY OF ORDER DTD. 14/02/2007 OF GENERAL AND ACADEMIC BRANCH – I.

EXT.P8: COPY OF PETITION DTD. 19/02/2007 ISSUED FROM THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P9: COPY OF REPRESENTATION DTD. 22/02/2007 ISSUED FROM THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P10: COPY OF MINUTES OF THE MEETING OF THE SYNDICATE DTD. 12/03/2007 OF UNIVERSITY OF CALICUT.

EXT.P11: COPY OF LETTER DTD. 22/03/2007 ISSUED FROM THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P12: COPY OF JUDGMENT DTD. 18/06/2007 IN WP9C) NO.10662/07 OF THIS HON.COURT.

EXT.P13: COPY OF INSPECTION REPORT ISSUED FROM THE UNIVERSITY OF CALICUT.

....2/-

EXT.P14: COPY OF COMMUNICATION DTD. 9/07/07 ISSUED FROM PROF. DR.P.KELU.

EXT.P15: COPY OF MEMO DTD. 6/07/2007 ISSUED FROM ...DO..

EXT.P16: COPY OF REPRESENTATION DTD. 7/08/2007 FROM THE PETITIONER TO THE REGISTRAR.

1ST RESPONDENT'S EXHIBITS:

EXT.R1(A); COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN W.A.NO.1605/2007.

EXT.R1(B): COPY OF THE LIST OF FACULTY OF MEMBERS FOR STARTING M.Ed COURSE ALONG WITH THEIR QUALIFICATIONS SUBMITTED BY THE PETITIONER INSTITUTION.

/TRUE COPY/

P.A.TO JUDGE

KSS

ANTONY DOMINIC, J.
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W.P.(C) NO. 19638 OF 2007
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Dated this the 4th day of September, 2007

J U D G M E N T

This matter pertains to the request of the petitioner to the 1st respondent for affiliation to M.Ed course. On an earlier occasion, an inspection was conducted and a report was made to the Syndicate of the University pointing out certain defects in the petitioner's college and on that basis the affiliation was declined. This court by order dated 13/7/07 directed the respondent University to provide to the petitioner a copy of the report of the Committee, which inspected the petitioner's college and accordingly copy has been given. Learned counsel for the writ petitioner submits that on perusal of the report of the Committee, the defects pointed out were identified and thereafter by Ext.P16, the University was intimated that the defects which were pointed out have been rectified. The present request of the

learned Senior counsel for the petitioner is that Ext.P16 may be directed to be considered and orders passed thereon, leaving open the contentions of the writ petitioner.

2. A similar case was dealt with by a Division Bench of this Court in WA No. 1605 of 2007, in which directions were issued for the conduct of a fresh inspection considering the similarity of facts. I think similar relief can be granted in this writ petition also. Accordingly, this writ petitioner will stand disposed of with the following directions.

1. Ext.P16 dated 7.8.07 will be considered by the Vice Chancellor of the University within one week of receipt of a copy of this judgment and he shall depute an expert inspection committee of the university to inspect the college of the petitioner once again. If the committee is satisfied that the petitioner has cured the defects pointed out in the earlier inspection report, a report to that effect shall be made to the Syndicate within a week of the date

of inspection.

2. On receipt of the report from the Expert Committee, the Syndicate of the University shall consider the report and pass appropriate orders in accordance with law, as expeditiously as possible.

With the above directions and leaving open the contentions of both sides, this writ petition is disposed of.

ANTONY DOMINIC, JUDGE.

Rp